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Judge refuses to shut Duane Marine Co.

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Superior Court Judge David D. Furman refused yesterday to shut down the Duane Marine Co. in Perth Amboy as a chemical waste facility on the Arthur Kill.

But the judge continued his temporary order barring the company at 26 Washington St. from storing more than 8,000 barrels of chemical waste on the waterfront property.

Perth Amboy City Attorney Eugene Coce Goceljack urged the court to close down the entire operation because of

the flammable and toxic materials stored there. He contended this presents a threat to the city's residents.

But Furman said there was insufficient evidence offered for the court to order such a shutdown. However, the judge said he would listen to testimony if the city cared to press the matter.

Furman seemed to question whether the mere storage of flammable materials would warrant the remedy sought by the city.

The judge also said he took into con-

sideration the fact that officials of Duane Marine and the Department of Environmental Protection are currently negotiating on a new permit for the facility.

Woodbridge attorney Francis Journick and Deputy Attorney General Dennis Krumholz said they expected the negotiations to be completed within a few days.

The judge indicated that talks between the two sides would involve steps to reduce threats to the environ-

ment and the waters of the Arthur Kill.

A draft of the proposed agreement would limit to 3,000 the number of barrels stored on the property, require removal of all barrels within 50 feet of the waterway and require the labeling of all drums and identification of any spilled material.

Journick argued that DEP officials do not consider storage of the materials a hazard and, he said that the facility until last month was operated with a temporary permit.

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